AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

1. (Previously Presented) A wayside applicator bar for applying a material to a head of a rail, comprising: a body; a flow passageway defined in said body for the material to flow through, the flow passageway defining an exit end; and a dam provided adjacent the exit end adapted to contain the material with an outside upper surface of the head of the rail, said dam terminating at a crown of the head of the rail.

2. (Previously Presented) A wayside applicator bar as claimed in claim 1, wherein the dam is made of an elastomeric material.

3. (Previously Presented) A wayside applicator bar as claimed in claim 2, wherein the dam comprises a D-shaped seal.

4. (Previously Presented) A wayside applicator bar as claimed in claim 2, wherein said elastomeric material comprises rubber.

5. (Previously Presented) A wayside applicator bar as claimed in claim 1, further comprising a skirt for enclosing an upper portion of said dam and defining a material exit with a portion of the rail to direct the material to a crown portion of the rail.

6. (Previously Presented) A wayside applicator bar as claimed in claim 5, wherein said dam comprises a D-shaped seal and said skirt is flexible.

7. (Previously Presented) A wayside applicator bar as claimed in claim 6, further comprising a supply reservoir of material in fluid communication with the flow passageway.

8. (Previously Presented) A wayside applicator bar as claimed in claim 1, wherein said dam comprises an elongated elastomeric ~~mem~~member and said applicator bar further includes means for forcing ends of said elastomeric member against a rail surface.

Claims 9-13. (Canceled)

14. (Currently amended) A wayside top of a rail applicator system, comprising: a rail that includes a head having an upper surface with a crown; and an applicator for applying a material on the upper surface of the head of the rail, said applicator comprising a body, a flow passageway defined in said body for the material to flow therethrough, the flow passageway defining an exit end for directing the material to said crown of said rail, ~~and~~ a skirt positioned adjacent the exit and above the crown and a dam provided adjacent the exit end to contain the material with an upper outside surface of the head of the rail, said dam terminating at a crown of the head of the rail.

15. (Canceled)

16. (Currently Amended) A wayside top of the rail applicator system as claimed in claim ~~15~~14, wherein said dam is made of elastomeric material.

17. (Previously Presented) A wayside top of rail applicator system as claimed in claim 14, wherein said skirt is one of a flexible material and an elastomeric material.

Claims 18-19. (Canceled)

20. (Currently Amended) A wayside top of rail applicator system as claimed in claim ~~19~~14, further comprising a supply reservoir of material in fluid communication with the flow passageway.

21. (Previously Presented) A wayside top of rail applicator system as claimed in claim 20, further comprising a pump in fluid communication with the supply reservoir and means for activating said pump to force the material through the flow passages and onto the upper surface of the rail.

22. (Currently Amended) A wayside applicator bar as claimed in claim ~~13~~14, wherein the exit is partially defined by an elongated distribution blade, said distribution blade is made of a metal.

Claims 23-27. (Canceled)

28. (Previously Presented) A wayside applicator bar as claimed in claim 14, wherein said skirt comprises a polymeric material containing reinforcing fibers.

Claims 29-32. (Canceled)

33. (Currently Amended) A wayside applicator bar for applying a friction modifying material to a head of a rail, comprising:

a body; and

a flow passageway defined in said body for the material to flow through, the flow passageway defining a stationary exit end, said flow passageway including an elastomeric member forming a portion of the stationary exit end, the elastomeric member adapted to contain the material for depositing on an outside surface of the head of the rail, wherein the material is contained on an upper surface of a crown of the head of the rail.

34. (Previously Presented) A wayside applicator bar for applying a material to a rail head of a rail as claimed in claim 33, wherein said rail elastomeric material comprises rubber.

35. (Currently Amended) A wayside top of rail applicator system, comprising:

a rail that includes a head having an upper surface with a crown; and

an applicator for applying friction modifying material to the rail, said applicator comprising a body, a flow passageway defined in said body for the material to flow therethrough, the flow passageway defining a stationary exit end for directing the material to the head, said flow passageway including an elastomeric member forming a portion of the stationary exit end, the elastomeric member adapted to contain the material for depositing on an outside surface of the head, wherein the material is contained on the upper surface of the crown of the head of the rail.

36. (Previously Presented) A wayside top of rail applicator system as claimed in claim 35, wherein said elastomeric member comprises rubber.

37. (Previously Presented) A wayside top of rail applicator system as claimed in claim 14, wherein said skirt is metal.